

DECEMBER 2005
ASSURANCE OF COMPLIANCE
SUPPORTING STATEMENT

A. JUSTIFICATION

1. Circumstances Making Collection Necessary

This information collection is required by the Boy Scouts of America Equal Access Act (Boy Scouts Act), 20 U.S.C. 7905, and its implementing regulations, which will be codified at 34 CFR Part 108. The final regulations are pending approval.

The Boy Scouts Act authorizes the Secretary of Education (Secretary) to implement this law by issuing and securing compliance with rules or orders with respect to the Boy Scouts Act's requirements through the Office for Civil Rights (OCR) in the United States Department of Education (Department). The Boy Scouts Act also directs the Secretary, through OCR, to enforce this law in a manner consistent with the procedure used to enforce title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. 2000d et seq., which prohibits discrimination based on race, color or national origin by recipients of Federal financial assistance. If a covered public elementary school, public secondary school, local educational agency (LEA) or State educational agency (SEA) does not comply with the Boy Scouts Act or Department regulations, guidelines and standards lawfully adopted under the Boy Scouts Act, it would be subject to the Department's enforcement actions. These enforcement actions could result in the loss of all funds made available through the Department.

On October 19, 2004, the Secretary published a notice of proposed rulemaking (NPRM) for these regulations in the Federal Register (69 FR 61556). Section 108.8 of these proposed regulations incorporated by reference the Title VI procedural provisions, including the provision in 34 CFR 100.4 requiring applicants for Federal financial assistance to submit assurances that they will comply with Title VI.

The Department is requesting approval for the Assurance of Compliance form. The Assurance of Compliance will apply to all Federal financial assistance from, as well as to all funds made available through, the Department for which a respondent may apply. Respondents will only need to sign the Assurance of Compliance once.

2. Use of the Information

OCR will use the signed Assurance of Compliance forms to enforce the Boy Scouts Act. This use will be in a manner consistent with the way OCR uses signed assurances of compliance to enforce Title VI; title IX of the Education Amendments of 1972, as amended (Title IX), 20 U.S.C. 1681 et seq.; Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), 29 U.S.C. 794 et seq.; and the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq. Assurances are an efficient and effective tool for achieving compliance with the laws enforced by OCR.

3. Use of Technological Collection Techniques

At this time, OCR is unable to accept electronic signatures. Accordingly, OCR would collect the signed Assurance of Compliance forms by traditional (paper) mail.

4. Efforts to Identify Duplication

OCR does not currently collect assurances of compliance with the Boy Scouts Act, and neither does any other component of the Department.

5. Methods of Minimizing Burden for Small Entities

This collection of information will not have a significant economic impact on a substantial number of small businesses or other small entities.

6. Consequences if the Collection is Not Conducted

If OCR does not collect signed Assurance of Compliance forms, OCR's ability to enforce the Boy Scouts Act will be affected. When LEAs and SEAs accept funds made available through the Department, they are subject to the Boy Scouts Act. By providing signed Assurance of Compliance forms, LEAs and SEAs agree to comply with the Boy Scouts Act. Additionally, by collecting signed Assurance of Compliance forms, OCR will put respondents on notice that they could lose all funds made available through the Department if they fail to comply with the Boy Scouts Act or with the regulations, guidelines and standards lawfully adopted under the Boy Scouts Act.

7. Special Circumstances for Collecting Data in a Unique Manner

None of the eight special circumstances apply to the Assurance of Compliance form.

8. Federal Register Notice Soliciting Public Comment

The NPRM for the Boy Scouts Act solicited comments on the information collection requirements. See 69 FR at 61560. The Department received no comments in response to this solicitation of comments on the information collection requirements.

9. Payments or Gifts to Respondents

No payments or gifts are made or provided to any respondent.

10. Assurances of Confidentiality

There are no assurances of confidentiality in the Assurance of Compliance form.

11. Additional Justification for Questions of a Sensitive Nature

There are no questions of a sensitive nature on the Assurance of Compliance form.

12. Estimates of the Hour Burden

The estimated number of respondents (all LEAs and SEAs) is approximately 17,000. Because respondents only need to sign the Assurance of Compliance form once, we have calculated a one-time, rather than an annual, hour burden. The one-time hour burden in order to read and sign the Assurance of Compliance form is estimated to be 20 minutes per respondent. Thus, the total number of estimated burden hours for collecting and reporting the information is estimated to be 5,667 burden hours (17,000 x .33).

13. Estimate of the Annual Cost Burden to Respondents

There are no startup costs.

14. Estimates of Cost to Federal Government

The cost of printing the Assurance of Compliance forms, along with the instructions (in the form of a Dear Colleague letter) is approximately \$1,500. The cost of mailing the Assurance of Compliance forms and Dear Colleague letters is approximately \$4,000.

15. Reasons for Change in Burden

This is a new collection and, therefore, is a change.

16. Plans for Tabulation and Publication

Signed Assurance of Compliance forms will not be published.

17. Seeking Approval for Not Displaying the OMB Expiration Date

The Department seeks approval for not displaying an expiration date on the Assurance of Compliance form. The assurances provided on the Assurance of Compliance form apply to any Federal financial assistance from, or funds made available through, the Department for which a respondent may apply. A respondent only has to submit a signed Assurance of Compliance form to OCR once, no matter what funds or financial assistance it seeks from the Department. The display of an expiration date on the Assurance of Compliance form will cause confusion concerning the length of time for which the assurance is valid, in that it will imply that respondents have to submit new assurances after the expiration date.

18. Exceptions to the Certification Statement In Item 19 in OMB Form 83-I.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The Assurance of Compliance form does not employ statistical methods.